## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 20, 2007. At the time of the Office Action, Claims 1-20 were pending in the Application, of which, Claims 1-20 were rejected. Applicant respectfully requests reconsideration and favorable action in this case.

### Claim Rejections – 35 U.S.C. §102

The Examiner rejects Claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,684,945 to Chen et al. (*Chen*). Applicant respectfully traverses these rejections.

Claim 1 is directed to a method of identifying problems in applications wherein the system resource usage of one or more running applications is monitored at a kernel level without modifying run-time environments of the running applications and an application whose system usage pattern satisfies a predetermined criteria associated with one or more problems is identified from the monitored system usage. In addition to Claim 1, Claims 12, 14, 15, 17, and 20 each include limitations generally directed to monitoring (at a kernel level) system resource usage of one or more running applications without modifying run-time environments of the running applications. *Chen* does not disclose each of these limitations.

For example, Claim 1 discloses "identifying from the monitored system usage, an application whose system usage pattern satisfies a predetermined criteria associated with one or more problems" The Examiner contends that *Chen* discloses these limitations and supports his rejection of Claim 1 by pointing to sections of *Chen* which recite, "a configuration file line that could define a monitor consisting of a skeleton instrument for monitoring memory usage by individual processes on multiple network nodes . . . ." See Office Action, page 3 (citing *Chen*, col. 26 lines 65-69 and col. 22 lines 1-2). Applicant respectfully contends that the cited portions of *Chen* do not support the Examiner's rejection because, among other things, merely reciting "[an] instrument for monitoring memory usage by individual processes" does not disclose "identifying from the monitored system usage, an application" as required by Claim 1.

As further support for rejection of Claim 1, the Examiner points to sections of *Chen* which recite, "[t]here is a threshold alarm value, to trigger an action . . ." See *id.* (citing *Chen*, col. 16, lines 19-23). Applicant respectfully contends that the cited portions of *Chen* do not support the Examiner's rejection because, among other things, merely reciting "a threshold alarm value, to trigger an action" does not disclose "identifying from the monitored system usage, an application" as required by Claim 1.

As further support for rejection of Claim 1, the Examiner points to sections of *Chen* which recite, "[t]he statistics being filtered and alarmed may be normal system statistics. However, these statistics may also be statistics **defined by** an application . . . ." See *id.* (citing *Chen*, col. 87, lines 53-56). Applicant respectfully contends that the cited portions of *Chen* do not support the Examiner's rejection because, among other things, merely reciting "statistics **defined by** an application" does not disclose "**identifying from** the monitored system usage, an application" as required by Claim 1. Thus, contrary to the Examiner's contention, the cited portions of *Chen* do not disclose "identifying from the monitored system usage, an application whose system usage pattern satisfies a predetermined criteria associated with one or more problems" as required by Claim 1. Consequently, Applicant contends that Claim 1 and all claims depending, either directly or indirectly, from Claim 1 are in condition for allowance. For reasons similar to those described with respect to Claim 1, Applicant further contends that Claims 12, 14, 15, 17, and 20 and all claims depending, either directly or indirectly, from Claims 12, 14, 15, 17, and 20 are in condition for allowance.

Claim 18 recites "[a] system for identifying problems in applications including a data collection module operable to retrieve information about a running application at a kernel level and a data analysis module operable to determine from the retrieved information an abnormal system usage pattern in the information." *Chen* does not disclose each of these limitations.

For example, Claim 18 discloses "a data analysis module operable to determine from the retrieved information an abnormal system usage pattern in the information." The Examiner contends that *Chen* discloses these limitations and supports his rejection of Claim 18 by pointing to sections of *Chen* which recite, "[a]nnotated recordings can be useful in a variety of ways, these include: [c]ollection of performance data in the field, which can be transmitted to an expert at a another site for analysis." See Office Action, page 8 (citing

*Chen*, col. 81 lines 38-47). Applicant respectfully contends that the cited portions of *Chen* do not support the Examiner's rejection because, among other things, "[c]ollection of performance data in the field, which can be transmitted to an expert at a another site for analysis" does not disclose "a data analysis module operable to determine from the retrieved information an abnormal system usage pattern in the information" as required by Claim 18. Accordingly, Applicant respectfully contends that Claim 18 is in condition for allowance.
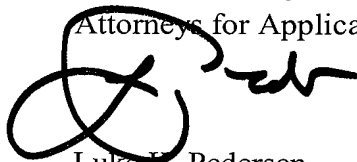
## CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, please feel free to contact the undersigned attorney for Applicant.

No additional fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

Luke K. Pedersen
Reg. No. 45,003

Date: 7/12/07

CORRESPONDENCE ADDRESS:

Customer Number:      05073